



In the Matter of:

JOHN HARRIS,

ARB CASE NO. 04-137

COMPLAINANT,

ALJ CASE NO. 00-STA-00058

v.

DATE: September 28, 2004

PORT PETROLEUM INC.

and

MICHAEL SIMMONS,

RESPONDENTS.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

**FINAL ORDER APPROVING SETTLEMENT
AND DISMISSING COMPLAINT**

This case arises under Section 405, the employee protection provision, of the Surface Transportation Assistance Act of 1982 (STAA), 49 U.S.C.A. § 31105 (West 1997), and implementing regulations at 29 C.F.R. Part 1978 (2003). The Administrative Law Judge (ALJ) below issued a Final Order¹ approving the parties' settlement agreement and dismissing the complaint with prejudice.

Pursuant to 29 C.F.R. § 1978.109(c), the Administrative Review Board "shall issue the final decision and order based on the record and the decision and order of the administrative law judge." July 9, 2004, the Board issued a Notice of Review and Order

¹ The ALJ mistakenly labeled this a "Final Order of Dismissal Approving Settlement and Dismissing the Complaint." According to Department of Labor regulations implementing the STAA only the ARB issues "Final Decisions." See 29 C.F.R. § 1978.109(c).

to Show Cause permitting either party to show cause why the Board should not approve the ALJ's order. Neither party objected to the ALJ's order.

The ARB concurs with the ALJ's determination that the parties' settlement agreement is fair, adequate and reasonable. But, we note that the agreement encompasses the settlement of matters under laws other than the STAA. See ¶ 2 A of the Settlement Agreement. Because the Board's authority over settlement agreements is limited to such statutes as are within the Board's jurisdiction and is defined by the applicable statute, we approve only the terms of the agreement pertaining to John Harris's STAA claim. *Fish v. H and R Transfer*, ARB No. 01-071, ALJ No. 00-STA-56, slip op. at 2 (ARB Apr. 30, 2003).

The parties have agreed to settle Harris's STAA claim. Accordingly, with the reservation noted above limiting our approval to the settlement of Harris's STAA claim, we **APPROVE** the agreement and **DISMISS** the complaint with prejudice.

SO ORDERED.

M. CYNTHIA DOUGLASS
Chief Administrative Appeals Judge

WAYNE C. BEYER
Administrative Appeals Judge